

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ROBERT J. LUMPKIN,

CASE NO. C17-1644-JCC

10 Plaintiff,

MINUTE ORDER

11 v.

12 HECTOR YANES, *et al.*,

13 Defendants.
14

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Plaintiff's motion for production *ad testificandum*
18 (Dkt. No. 93). The purpose of a writ of habeas corpus *ad testificandum* is to bring a prisoner into
19 court to testify. *See, e.g., Odom v. Odom*, 272 N.E.2d 272, 273 (Ill. Ct. App. 1971). The person
20 Plaintiff seeks to produce, Dan Miller, is not in custody (Dkt. No. 95), so such a writ is
21 inappropriate. If Plaintiff wishes to compel Dan Miller's presence at his trial, he must do so with
22 a subpoena.¹ *See* Fed. R. Civ. P. 45. The Court construes Plaintiff's motion as a request to begin
23 that process—a praecipe to issue a subpoena. The Clerk is DIRECTED to send Plaintiff a copy
24 of this order and a blank subpoena with the Clerk's seal.

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26 ¹ It is worth noting that Defendants represent that they "fully expect" Dan Miller to be present as
a witness at trial. (Dkt. No. 95.)

1 DATED this 15th day of May 2019.

2 William M. McCool
3 Clerk of Court

4 s/Tomas Hernandez
5 Deputy Clerk